

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

AVI AZOULAI, et al.,
 Plaintiffs,

v.

BMW OF NORTH AMERICA LLC,
 Defendant.

Case No. [16-cv-00589-BLF](#)

**ORDER STRIKING DEFENDANT'S
 MOTION TO DISMISS PLAINTIFFS'
 SECOND AMENDED CLASS ACTION
 COMPLAINT**

[Re: ECF 44]

On October 21, 2016, Defendant BMW of North America, LLC filed its motion to dismiss plaintiffs' second amended class action complaint. Mot., ECF 44. Because the motion violates the Court's Standing Order re Civil Cases and Civ. L.R. 3-4(c)(2) with respect to the use of footnotes, Defendant's motion is STRICKEN.

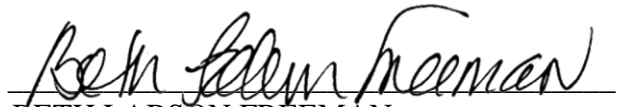
This Court's Standing Order re Civil Cases, subsection E.4 provides that footnotes "are to be used sparingly and citations to textual matter shall not be contained in footnotes." Several pages of the opposition contain multiple footnotes—one of which spans 22 lines of text. Mot. 13–14. Through this use of footnotes, Defendant included 127 lines of single-spaced text—the equivalent of nearly 5 pages of text had Defendant complied with the Civil Local Rules' requirement that text in the body of the brief be double-spaced with no more than 28 lines per page. *See* Civ. L.R. 3-4(c)(2). Had Defendant complied with these rules, its brief would have been oversized, at 29 pages.

Because Defendant's use of footnotes violates the Court's Standing Order and the Civil Local Rules, the Court STRIKES Defendant's motion to dismiss Plaintiff's second amended class action complaint. The Court ORDERS Defendant to file a motion that complies with the Standing Order and Civil Local Rules; contains few footnotes, if any; and does not exceed 25 pages

1 inclusive of the signature page by no later than October 31, 2016. Pursuant to the Federal Rules
2 of Civil Procedure, Plaintiff's opposition to Defendant's motion shall be due 14 days after the
3 amended motion is filed.

4 **IT IS SO ORDERED.**

5 Dated: October 24, 2016

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7 BETH LABSON FREEMAN
8 United States District Judge
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United States District Court
Northern District of California